

### REMARKS

The Office Action mailed April 13, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-7, 9, 10, and 28-32 are now pending in this application. Claims 1-7, 9, 10, and 28-32 stand rejected.

The rejection of Claim 30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention is respectfully traversed. Claim 30 has been amended to depend from Claim 7. Moreover, Claim 30 has been amended to recite a step of "assigning a value to each interaction based on stored pre-determined relative interaction values." Accordingly, Applicant respectfully requests that the Section 112, second paragraph, rejection of Claim 30 be withdrawn.

The rejection of Claims 1-7, 9, 10, and 28-32 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is respectfully traversed.

The Examiner asserts that the claimed invention does not yield a result that is specific, substantial, and credible. Moreover, the Examiner asserts that the claimed invention does not yield a result that is substantially repeatable. Further, the Examiner asserts that the claimed invention is per se abstract because there is no real-world application. Applicant respectfully traverses these assertions. However, Applicant has amended Claim 1 to address the rejection set forth in the Office Action.

Applicant respectfully submits that Claim 1 does recite a practical application by producing a useful, concrete, and tangible result. Specifically, Applicant submits that an experienced sales, marketing, and/or customer service representative would understand, after reading the originally filed specification and reviewing the figures, how to define a plurality of contact relationship categories such that a specific, substantial, and credible result is achieved.

More specifically, Applicant submits that the specification clearly describes how the contact relationship categories are defined. For example, the specification provides as follows:

Figure 11 illustrates a Contact Evolution Levels (CELs) visual chart 320 showing the various contact levels. Each level is provided with a point value and each contact is provided with a number that includes a whole number followed by a decimal number. The decimal number indicates the amount of effort it has taken to move the contact within its present level to date. Chart 320 is a visual interpretation of how an Integrated Market Action Program (IMAP) through its Promise, Buzz and Delivery transforms a contact from someone in the Target Market who has never heard of the Company, or is Cold, into a customer who thinks of herself as a Partner of the Company and is helping the Company build its Brand. The more the contact is transformed and evolves through the Contact Evolution Levels or CELs, the more valuable the Brand and the greater the Brand Equity, Customer Share and Market Share for Company. These CEL levels also track with the Acquisition/Closing/Retention (A/C/R) Phases as described below in more detail. (Paragraph 00175.)

Applicant therefore respectfully submits that the specification clearly describes how the contact relationship categories are defined. Accordingly, Applicant respectfully submits that the claimed invention is directed to statutory subject matter because the present invention as claimed produces a useful, concrete, and tangible result.

Moreover, Applicant respectfully submits that the mere fact that a certain value used to calculate a different value may be measured by a person, such as an experienced sales, marketing, and/or customer service representative, does not mean that the calculated value is non-repeatable or that the invention fails to produce a concrete result. Applicant submits that an experienced sales, marketing, and/or customer service representative would understand, after reading the originally filed specification and reviewing the figures, how to determine a value of each actual contact relationship based on an assigned value of a contact relationship category corresponding to each actual contact relationship, such that the present invention is repeatable.

More specifically, Applicant submits that the specification clearly describes how a value is assigned to each of the plurality of created contact relationships. For example, the specification provides as follows:

The first CEL is Out of Play 322 which is given a point value of 0.0. Contacts at this level cannot be reached, refused permission to be marketed to, and/or has declined to be a customer any longer. The next three CELs form the Acquisition Phase and contacts in these CELs are termed Suspects. The first Acquisition CEL is Cold 324 which is given a point value of 1.0. Cold 324 contacts represent the target market and they are typically unexposed to current offerings. The next Acquisition CEL is Cool 326 which is given a point value of 2.0. Cool 326 contacts receive promotional materials and are generally more receptive to the company's offerings. The last Acquisition CEL is Warm 328 which is given a point value of 3.0. Warm 328 contacts agree to be placed on an email list and/or provides influencer names. They have also given their permission to be marketed to. (Paragraph 00176.)

The next three CELs form the Closing Phase and contacts in these CELs are termed Prospects until the sale is closed. The first Closing CEL is Hot 330 which is given a point value of 4.0. Hot 330 contacts agree to appointments since they generally would think about using the company's offering. The next Closing CEL is Hotter 332 which is given a point value of 5.0. Hotter contacts want a contract and they would like to acquire the company's offering. The final Closing CEL is Closed Sale 334 which is given a point value of 6.0. Closed contact 334 signs a contract for the company's offering. (Paragraph 00177.)

The next six CELs form the Retention Phase and contacts in these CELs are termed customers. The first Retention CEL is Expectant Customer 336 which is given a point value of 7.0. Expectant Customers 336 are ready to receive offerings and the time frame is after hand over from sales to customer retention. The next Retention CEL is Trial 338 which is given a point value of 8.0. Trial 338 receive status reports and they are generally waiting to see what happens. The next Retention CEL is Likes 340 which is given a point value of 9.0. Likes 340 contacts do not complain and they accept the company's offering as it is. Contacts in Likes 340 CEL will not send the company's offering back to the company although this option may not be at the choice of the contact since they may either be locked in or have no other alternative. The next Retention CEL is Loyal 342 which is given a point value of 10.0. Loyal 342 contacts renew contracts and does so repeatedly. The next Retention CEL is Prefer 344 which is given a point value of 11.0. Prefer 344 contacts give references to the company and refer potential customers to the company. Prefer 344 contacts want to

stay customers of the company and it would take an extreme situation to change their opinions. The next Retention CEL is Partner 346, which is given a point value of 12.0. Partner 346 contacts actively refer business to the company and under current conditions will pay a premium to have the company's offerings. In some instances, Partner 346 contacts even evangelizes with others and is an advocate of the company. (Paragraph 00178.)

The final CEL is unhappy 348 which is given a point value of 13.0. Unhappy 348 contacts bad mouths the company and complains about the company. Contacts in this CEL are waiting for an opportunity to leave the company. (Paragraph 00179.)

Applicant therefore respectfully submits that the specification clearly describes how a value is assigned to each of the plurality of created contact relationships. Accordingly, Applicant respectfully submits that the claimed invention is directed to statutory subject matter because the present invention as claimed produces a useful, concrete, and tangible result. The mere fact that a variable may be measured by a person, such as an experienced sales, marketing, and/or customer service representative, does not mean that the invention as claimed produces a result that is not concrete.

Further, Applicant respectfully submits that Claim 1 does recite a practical application by producing a useful, concrete, and tangible result. Specifically, Claim 1 has been amended to recite "... generating a contact summary report based on the determined value of each actual contact relationship." Accordingly, Claim 1 is submitted to satisfy the requirements of Section 101.

Claims 2-7, 9, 10, and 28-32 depend from independent Claim 1. When the recitations of Claims 2-7, 9, 10, and 28-32 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-7, 9, 10, and 28-32 likewise satisfy the requirements of Section 101.

For at least the reasons set forth above, Applicant respectfully requests that the Section 101 rejection of Claims 1-7, 9, 10, and 28-32 be withdrawn.

The rejection of Claims 1, 2, 4, 7, 10, and 30 under 35 U.S.C. § 102(b) as being anticipated by Francis Mulhern's "Customer Profitability Analysis: Measurement, Concentration and Research Directions" (hereinafter referred to as "Mulhern") is respectfully traversed.

Mulhern describes a method for measuring customer profitability by generalizing approaches to measuring customer lifetime value in direct marketing for broader target marketing applications. Measuring customer profit requires data on individual customer purchases and variable marketing costs over a period of time. Customer profitability measurement components include a specification of customers. Customers are divided into customer units which are then analyzed for profitability. Alternatively, groups of customer units may be aggregated and the profitability analysis completed for the aggregate. Customers may also be divided into, for example, existing or prospective customers and/or active or inactive customers.

A profitability analysis also requires a specification of an applicable level of products and/or services. For example, a computer manufacturer could do separate analyses for mainframes, workstations, and desktop systems. Similarly, a profitability analysis may be completed using an applicable organization level. For example, a computer software company could compute the profitability of customers at the level of its own sales territories, local sales offices, regional sales offices, or the nation level. Moreover, customers can be evaluated for profitability based on present purchase behavior or on an anticipated future stream of purchases, predicted by evaluating the purchase behavior of similar customers in the past.

Once the measurement specifications described above have been established, a structural measurement model is constructed. One such model is the standard customer lifetime value approach. This model applies to situations in which future purchases are forecasted and profitability is estimated by discounting future cash flows and variable costs to the present value. Such a model is appropriate when future purchase and cost streams can be accurately forecast at an individual customer level.

Claim 1 recites a method for managing marketing including “creating a plurality of contact relationship categories; assigning a value to each contact relationship category; determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship; and generating a contact summary report based on the determined value of each actual contact relationship.”

Mulhern does not describe or suggest a method for managing marketing, as recited in Claim 1. More specifically, Mulhern does not describe or suggest a method that includes creating a plurality of contact relationship categories, assigning a value to each contact relationship category, and determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship. Rather, Mulhern describes a method for measuring customer profitability by generalizing approaches to measuring customer lifetime value in direct marketing for broader target marketing applications.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Mulhern.

Claims 2, 4, 7, 10, and 30 depend from independent Claim 1. When the recitations of Claims 2, 4, 7, 10, and 30 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2, 4, 7, 10, and 30 likewise are patentable over Mulhern.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1, 2, 4, 7, 10, and 30 be withdrawn.

The rejection of Claims 5, 6, 28, 29, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over Mulhern in view of U.S. Patent 6,334,110 to Walter, et al. (hereinafter referred to as “Walter”) is respectfully traversed.

Mulhern is described above. Walter describes a method for analyzing customer behavior based on the time when those behaviors occur. Each transaction at a point-of-

service (POS) device, such as a cash register (105) or a kiosk (110), is tagged with the time it was made. An in-store processor (140) sends the informational tags from each POS device to a central office (150). A data warehouse (210) is kept at the central office (150) and includes a repository of information including the transaction info sent from the in-store processor (140) and information on advertising offers (218) made to a targeted temporal virtual community (222) and reactions (220) to the offer (218) made by the temporal virtual community (222). Segment-specific advertising campaigns are created (330) using the data warehouse (210). When a customer interacts (340) through one of a number of channels of trade, statistics are gathered and analyzed (350) to determine the effectiveness of the advertising campaign.

Claim 1 recites a method for managing marketing including “creating a plurality of contact relationship categories; assigning a value to each contact relationship category; determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship; and generating a contact summary report based on the determined value of each actual contact relationship.”

Neither Mulhern nor Walter, considered alone or in combination, describes or suggests a method for managing marketing, as recited in Claim 1. More specifically, neither Mulhern nor Walter, considered alone or in combination, describes or suggests a method that includes creating a plurality of contact relationship categories, assigning a value to each contact relationship category, and determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship. Rather, Mulhern describes a method for measuring customer profitability by generalizing approaches to measuring customer lifetime value in direct marketing for broader target marketing applications, and Walter describes a method for analyzing customer behavior based on the time when those behaviors occur.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Mulhern in view of Walter.

Claims 5, 6, 28, 29, 31, and 32 depend from independent Claim 1. When the recitations of Claims 5, 6, 28, 29, 31, and 32 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 5, 6, 28, 29, 31, and 32 likewise are patentable over Mulhern in view of Walter.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 5, 6, 28, 29, 31, and 32 be withdrawn.

The rejection of Claims 3 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Mulhern in view of U.S. Patent 6,236,975 to Boe, et al. (hereinafter referred to as "Boe") is respectfully traversed.

Mulhern is described above. Boc describes a targeted marketing method. A customer is provided with a number of customer questions (136), and the answers to the questions are stored. The customer is then provided (138) with a feedback page that graphically illustrates data associated with the customer's standing in a selected peer group. The customer is provided with options allowing the customer to adjust the customer's actual demographic to a hypothetical demographic such that the data associated with the hypothetical demographic changes entered by the customer are stored (146) and processed. A set of hypothetical feedback information is then displayed that graphically illustrates the hypothetical standing of the customer within the selected peer group such that the customer can see the effect of the hypothetical demographic changes.

Claim 1 recites a method for managing marketing including "creating a plurality of contact relationship categories; assigning a value to each contact relationship category; determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship; and generating a contact summary report based on the determined value of each actual contact relationship."

Neither Mulhern nor Boe, considered alone or in combination, describes or suggests a method for managing marketing, as recited in Claim 1. More specifically, neither Mulhern



nor Boc, considered alone or in combination, describes or suggests a method that includes creating a plurality of contact relationship categories, assigning a value to each contact relationship category, and determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship. Rather, Mulhern describes a method for measuring customer profitability by generalizing approaches to measuring customer lifetime value in direct marketing for broader target marketing applications, and Boc describes a method for profiling customers for targeted marketing according to customer responses to a customer survey, including hypothetical responses.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Mulhern in view of Boc.

Claims 3 and 9 depend from independent Claim 1. When the recitations of Claims 3 and 9 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 3 and 9 likewise are patentable over Mulhern in view of Boc.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 3 and 9 be withdrawn.

In response to the Requirement for Information under 37 CFR § 1.105 included in the Office Action dated April 13, 2007, Applicant respectfully submits that Applicant has made a good faith attempt to obtain the requested information by conducting a reasonable inquiry into whether the requested information is readily available to Applicant. After making this good faith attempt to obtain the requested information, Applicant submits the following responses to each request provided in the Office Action. The responses are provided herein in the order in which the requests are shown in the Office Action.

The responses provided herein are based on inquiries to the named inventor in the subject patent application.

Applicant respectfully objects to the Requirement for Information. Specifically, Applicant submits that the Requirement for Information presents an unreasonable and undue

burden to Applicant. Further, Applicant submits that the information requested is irrelevant to the prosecution of the presently pending patent application.

The Examiner requests Applicant to provide a citation and a copy of each publication that Applicant relied upon to develop the disclosed subject matter that describes Applicant's invention, and for each publication, to provide a concise explanation of the reliance placed on the publication in the development of the disclosed subject matter.

Applicant submits that the information requested herein is unknown and/or is not readily available to Applicant. Specifically, after an inquiry to the inventor and a search of Applicant's files, no publications used to develop the disclosed subject matter are known to exist or are readily obtainable.

The Examiner requests Applicant to provide a citation and a copy of each publication authored or co-authored by Applicant, which describes the disclosed subject matter of marketing management.

Applicant submits that the information requested herein is unknown and/or is not readily available to Applicant. Specifically, based on information and belief, Applicant submits that, at the time of filing, Applicant had not authored or co-authored any publication that describes the disclosed subject matter of marketing management.

The Examiner requests Applicant to state the specific improvements of the claimed subject matter in the presently pending claims over prior art, specifically Marketing MATH<sup>TM</sup>, and to indicate the specific elements in the claims that provide those improvements.

Marketing MATH<sup>TM</sup> describes combining brand building scenario analysis and customer lifetime value concepts to allow marketers to perform simulations and cost/benefit analyses. However, Marketing MATH<sup>TM</sup> does not describe or suggest the subject matter recited in the presently pending claims. For example, Marketing MATH<sup>TM</sup> does not describe or suggest a method for managing marketing that includes creating a plurality of contact relationship categories, assigning a value to each contact relationship category, and

determining a value of each actual contact relationship based on the assigned value of the contact relationship category corresponding to each actual contact relationship.

In view of the foregoing responses, Applicant submits that this response satisfies the Requirement for Information under 37 CFR § 1.105.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick W. Rasche", written over a horizontal line.

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